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Patent

Attorney's Docket No. 032775-041

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Donald Morris, et al.

Application No.: 09/847,356

Filed: May 3, 2001

For: REOVIRUS CLEARANCE FOR RAS-MEDIATED NEOPLASTIC CELLS FROM MIXED CELLULAR COMPOSITIONS

Group Art Unit: 1633

Examiner: Unassigned

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INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is a Supplemental Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- ☒ [X] No additional fee for submission of an IDS is required.
- ☐ [] The fee of \$180.00 (126) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ [] A certification under 37 C.F.R. § 1.97(e) is also enclosed.
- ☐ [] A certification under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (126) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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Date: March 15, 2002

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Ron Cada

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Attorney's Docket No. 032775-041

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Group Art Unit: 1633

Examiner: Unassigned

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Assistant Commissioner for Patents
Washington, D.C. 20231

In accordance with the duty of disclosure as set forth in 37 C.F.R. §1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed.

- (12/97)

2. Wu, A.G. et al., "Bone marrow purging of neuroblastoma by attenuated multimutated herpes simplex virus", *Proceedings of the American Association for Cancer Research Annual* **39**: 605 (1998).
3. Wu, A, et al., "Biological purging of breast cancer cells using an attenuated replication-competent herpes simplex virus in human hemotopoietic stem cell transplantation", *Cancer Research* **61** (7): 3009-3015 (2001).

These documents are being submitted before a first Office Action on the merits, therefore no fee is required under 37 C.F.R. § 1.97(b). In the event an Office Action is mailed by the United States Patent and Trademark Office prior to receipt of this Supplemental Information Disclosure Statement, Applicants hereby make the statement specified in 37 C.F.R. §1.97(e) that each document contained herein was first cited in the International Search Report for the corresponding PCT application (PCT/CA01/00620) within 3 months of the filing date of this Supplemental Information Disclosure Statement. Therefore, no fee is required under 37 C.F.R. § 1.97(c). A copy of this International Search Report is also enclosed herewith.

For the purpose of patent term adjustment, Applicants wish to point out that this Supplemental Information Disclosure Statement is being filed within 30 days of receipt of the aforementioned International Search Report by Applicants or Applicants' representatives.

By citing the above references, Applicants do not acquiesce or admit that any of these documents are "prior art" under 35 U.S.C. Applicants specifically reserve the right, where appropriate, to antedate any of the cited documents by an appropriate showing under 37 C.F.R. §1.131, §1.604, §1.608 or any other suitable means.

Supplemental Information Disclosure Statement

Application No. 09/847,356

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To assist the Examiner, the documents are listed on the attached form PTO-1449.
It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

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